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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,440

06/24/2005

Gunnar Wenzel

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26271 7590 02/02/2007
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EXAMINER

XAVIER, VALENTINA

ART UNIT

PAPER NUMBER

3644

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/520,440	Applicant(s) WENZEL, GUNNAR	
	Examiner Valentina Xavier	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 5-7, 11-13, 15, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16 and 19 recite the limitation "the super absorber" in lines 4 and 2 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 8 – 10, 14 and 16 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Heldenbrand (US 3,978,818).

With regard to claim 1, Heldenbrand '818 discloses a Litter package comprising an absorbent material (11), having an indicator strip (23, 28), for determining a cat's urine levels, which is arranged in the absorbent material (See Fig. 9).

With regard to claim 2, Heldenbrand '818 discloses a container (12) with a peripheral side wall (25; see Fig. 8) which is sealed on all sides in the condition in which it is delivered to the consumer, and which contains absorbent material (11), and which is designed in such a way that it is opened before use and is disposed of in its entirety after use (Col. 2; Lines 10 – 15 and Lines 28 – 31).

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With regard to claim 3, Heldenbrand '818 discloses that the container is a folded pack (see Fig. 2).

With regard to claim 4, Heldenbrand '818 discloses a lower part (12) and a replaceable pouch (10) containing the absorbent material (11), which can be placed in the lower part (12).

With regard to claim 8, Heldenbrand '818 discloses an indicator strip (23, 28) comprising at least one indicator field (the indicator field may be any surface on the strip that is pretreated with the reactant – Col. 4; Lines 56 – 68). Furthermore, any portion of the indicator strip may be “a region for the user to handle the indicator strip”.

With regard to claim 9, Heldenbrand '818 discloses at least one indicator point (the indicator field comprises more than one indicator point).

With regard to claim 10, Heldenbrand '818 discloses that the indicator field in the condition in which it is delivered to the consumer, is arranged within a protective cover (the indicator strip is placed inside the bag under the litter and the bag is made up of a waterproof material – Col. 2; Lines 10 – 21).

With regard to claim 14, Heldenbrand '818 discloses that the indicator strip is fixed to the absorbent material by an attachment means (Col. 5; Lines 53 – 59).

With regard to claim 16, Heldenbrand '818 discloses the indicator field (i.e., the exposed face of the indicator strip) facing the absorbent material (11), i.e., the exposed face of the indicator strip is in contact with the absorbent material.

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With regard to claims 17, 18 and 19 Heldenbrand '818 teaches a method comprising activating the indicator strip by drawing it over the insert. As the claim does not define what "drawn over the insert of non-woven material" is, the mere placement of the strip on the bottom so that it spans across a section of the material is considered to be "drawn" across the non-woven material.

Allowable Subject Matter

3. Claims 5 – 7, 11 – 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Valentina Xavier whose telephone number is (571) 272-9853. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

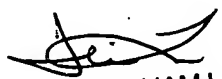
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571)272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Valentina Xavier

VX



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER